

November 20, 2018

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Ms. Jocelyn Boyd
Chief Clerk and Administrator
South Carolina Public Service Commission
Synergy Business Park, The Saluda Building
101 Executive Center Drive
Columbia SC 29210

Re: Petition of Williston Telephone Company d/b/a TDS Telecom for
Review of NeuStar Pooling Administrator's Denial of Application for
Numbering Resources

Dear Ms. Boyd:

Enclosed for filing on behalf of Williston Telephone Company, d/b/a TDS
Telecom, please find a Petition for Review of NeuStar Pooling Administrator's
Denial of Application for Numbering Resources.

Thank you for your assistance.

Sincerely,

McNAIR LAW FIRM, P.A.



Margaret M. Fox

MMF

Enclosure

cc: Jeffrey M. Nelson, Esquire, ORS
Tom McCabe

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BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. _____

In Re:)
)
Petition of Williston Telephone Company d/b/a TDS)
Telecom For Review of NeuStar Pooling Administrator's)
Denial of Application for Numbering Resources)

PETITION FOR REVIEW OF NUMBERING RESOURCES DENIAL
IN WILLISTON TELEPHONE COMPANY'S NORTH, SC RATE CENTER

Williston Telephone Company d/b/a TDS Telecom ("TDS Telecom"), pursuant to rules adopted by the Federal Communications Commission ("FCC") for challenging numbering determinations, petitions the Public Service Commission of South Carolina ("Commission") for review of the denial of TDS Telecom's application for use of numbering resources in the North, SC rate center. Numbering determinations are made by the North American Numbering Plan Administrator ("NANPA") and/or the Pooling Administrator ("PA"), depending on the nature of the request. FCC rules and orders allow for challenges of determinations by both entities. *See, e.g.*, 47 C.F.R. §52.15(g)(5).

In support of this petition TDS Telecom states:

1. TDS Telecom is a telecommunications public utility regulated by the Commission. It provides intraLATA, local exchange telecommunications in the State of South Carolina and in North, SC.

2. NANPA is an independent non-governmental entity that is responsible for administering and managing the North American Numbering Plan (“NANP”). *See* 47 C.F.R. § 52.13 (a), (b).

3. The PA is the entity responsible for administering a thousands-block number pool. *See* 47 C.F.R. §52.7(g).

4. On March, 31, 2000, the FCC issued a Report and Order relating to numbering resource optimization (“*First NRO Order*”).¹ The goal of the *First NRO Order* was to implement uniform standards governing requests for telephone numbering resources in order to increase efficiency in the use of existing telephone numbers and to avoid further exhaustion of existing numbers under the NANP.

5. Among other things, the *First NRO Order* adopted a revised standard for assessing a carrier’s need for numbering resources by requiring rate center based utilization rates to be reported to NANPA. The FCC further required that, to qualify for access to new numbering resources, applicants must establish that existing inventory within the applicant’s rate center will be exhausted within six months of the application. *See* 47 C.F.R. § 52.15(g)(4)(B)(iii). This basis for determining the need for new numbering resources was intended to “more accurately reflect how numbering resources are assigned” and to allow “carriers to obtain numbering resources in response to specific customer demands.” *First NRO Order* at ¶ 105. The FCC reaffirmed this requirement in two subsequent orders.²

¹ Report and Order and Further Notice of Proposed Rulemaking, *Numbering Resources Optimization*, 15 FCC Rcd 7574, FCC 00-104 (rel. March 31, 2000) (“*First NRO Order*”) at ¶ 105.

² *See* Second Report and Order, Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200, *Numbering Resource Optimization*, 16 FCC Rcd 306, FCC 00-429 (rel. December 29, 2000) (“*Second NRO Order*”) at ¶29; Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No.

6. In addition to the months-to-exhaust (“MTE”) requirement described above, the FCC’s rules also require carriers to meet a rate center utilization threshold in order to receive additional numbering resources in a given rate center. 47 C.F.R. § 52.15(h). The utilization threshold was initially 60%, but it has now increased to the maximum utilization threshold of 75%. *See id.* A carrier must meet both the six months MTE requirement and the utilization threshold on a rate center basis in order to obtain numbering resources. *See Third NRO Order* at ¶ 50.

7. On or about October 18, 2018, TDS Telecom submitted a Pooling Administration System request for the assignment of a Local Routing Number (“LRN”) in the 803 NPA. The request is attached hereto as Exhibit A. This request was made in order to facilitate the transition from a legacy switch to a new state-of-the-art packet switching system in North, South Carolina.

8. TDS Telecom completed the application in accordance with Industry Numbering Committee (“INC”) Guidelines, and filled out the necessary Months to Exhaust Certification Worksheet as required. The Months to Exhaust Certification Worksheet is attached hereto as Exhibit B.

9. The numbering request was for a full NXX (LRN) in the 803 NPA. TDS Telecom does not have sufficient numbering resources available within its inventory to allow it to complete the seamless transition to a new packet switching system as described herein.

10. The assignment of an LRN will allow the new packet switch to coexist with the legacy equipment. Once the transition is complete and all customers have been

99-200, *Numbering Resource Optimization*, 17 FCC Rcd 252, FCC 01-362 (rel. December 28, 2001) (“*Third NRO Order*”) at ¶¶ 48-49.

migrated to the new packet switch, TDS Telecom intends to return the new code and all associated number blocks to the NANPA pool for reuse elsewhere in the State. TDS Telecom anticipates the full migration of customers and decommission of the legacy switch will be completed within 3 years of implementation of the new packet switch.

11. While TDS Telecom only requires a single block from a new NXX be assigned to establish an LRN, TDS Telecom is requesting a full code be assigned and will retain all 10 blocks in order to prevent contamination and assignment of numbers within the entire NPA-NXX. TDS Telecom will only use numbers for an LRN and testing purposes, and will ensure all other numbers are blocked, so that a smooth relinquishment of the NPA-NXX can occur when TDS Telecom's legacy switch is decommissioned. This will prevent other blocks from being assigned to other carriers within the North, SC rate center, and will help ensure the code can be repurposed in the future within the geographic area served by the 803 NPA.

12. At the time of the filing of the request, TDS Telecom had an average MTE of 876.1, and a utilization rate of 12.39 percent.

13. On or about October 22, 2018, TDS Telecom's request was denied because it had not met the MTE and/or Utilization criterion now set forth in the INC Guidelines. TDS Telecom's request was denied despite the fact that it does not have adequate numbering resources needed to complete the transition to its new state-of-the-art packet switching system in a seamless manner, as described herein. The denial of the code request is attached hereto as Exhibit C.

14. The FCC's rules and orders provide that state regulatory authorities have the power and authority to review a decision to deny a request for numbering resources. *See* 47 C.F.R. § 52.15(g)(4); Third NRO Order at ¶¶ 61-66.

15. Under the FCC's rules, NANPA must withhold numbering resources if a carrier has not met the numbering resource application requirements established in the rules. *See* 47 C.F.R. § 52.15(g)(4)(B)(iv). However, the FCC's rules provide that a state regulatory commission may overturn such a decision if the state commission determines "that the carrier has demonstrated a verifiable need for numbering resources and has exhausted all other available remedies." 47 C.F.R. § 52.15(g)(5).

16. As explained herein, TDS Telecom has demonstrated a verifiable need for the additional numbering resources requested. Furthermore, TDS Telecom has exhausted all other available remedies, including requesting additional numbering resources from NANPA and/or the PA.

17. TDS Telecom requests that the Commission reverse the decision to withhold numbering resources from TDS Telecom. Reversing this decision is in the public interest because it will allow TDS Telecom to invest in a state-of-the-art packet switching system and will allow for the seamless transition of TDS Telecom's customers from its legacy switch to the new packet switch. Additionally, because TDS Telecom's need for the requested numbering resources is temporary in nature and the numbering blocks will be returned to the pool, granting the request will not have a long-term impact on the availability of numbering resources in South Carolina.

WHEREFORE, TDS Telecom requests that the Commission:

1. Reverse the decision to deny TDS Telecom's request for additional numbering resources;
2. Direct NANPA and/or the PA to provide the requested LRN to TDS Telecom for the North, SC rate center; and
3. Grant the requested relief as soon as possible.

Respectfully submitted this 20th day of November, 2018.



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Attorneys for Williston Telephone
Company d/b/a TDS Telecom

Exhibit A

Request for the Assignment of a Local Routing Number (“LRN”) in the 803 NPA

Central Office Code (NXX) Assignment Request - Part 1

Revised January 4, 2016

Tracking Number: 803-611317Type of Application: ☒ New ☐ Change ¹ ☐ Delete

1.0 GENERAL INFORMATION

1.1 Contact Information:

Code Applicant:Company/Entity Name: WILLISTON TELEPHONE CO.Headquarters Address: 525 Junction Rd.City, State, Zip: Madison, WI, 53717Contact Name: Paul T NejedloContact Address: 525 Junction Rd.City, State, Zip: Madison, WI, 53717Phone: 608-664-4659 Fax: 608-830-5601 E-mail: paul.nejedlo@tdstelecom.comCode Administrator:²Name: Patricia SoderlandAddress: 21575 Ridgetop Circle.City, State, Zip: Sterling, VA, 20166Phone: 571-434-5348 Fax: 571-434-55021.2 NPA: 803 NXX: ³ LATA: 434 OCN: ⁴ 0551 Parent Company's OCN(s) 0881Switching Identification(Switch Entity/POI) ⁵ NRTHSCXAPS0Locality/City/Wire Center: NORTHRate Center: ⁶ NORTHHoming Tandem Operating Co: ⁷ BELLSOUTHTandem Homing CLLI: ⁸ CLMASCSN60T1.3 Dates: Date of Application: 10/18/2018 Request Effective Date: ^{9 10} 04/16/2019☐ By selecting this checkbox, I acknowledge that I am requesting the earliest possible effective date the Administrator can grant. Please note that this only applies to a reduction in the Administrator's processing time, however the request will still be processed in the order received.Expedite Reason:

1.4 Type of company/entity requesting the code:

a) Incumbent Local Exchange Carrier (ILEC) (LEC, IC, CMRS, Other)b) Types of service: Wireline (e.g., Cellular - Type 2)c) Code Assignment Preference (Optional) 803-990d) Codes that are undesirable, if any e) Type of change(Mark all that apply)☐ OCN-Intra-company¹¹ ☐ Switching Id ☐ Rate Center ☐ Tandem Homing CLLI☐ OCN-Inter-company¹² ☐ Effective Date ☐ LATA ☐ Extend Reservation1.5 Type of Request (Initial, growth, etc.) Growth

If an initial code, attach(1) evidence of certification and (2) proof of ability to place code in service within 60 days. If a growth code, attach months to exhaust worksheet.

Pooling Indicator: ¹³ ☐ Yes ☒ No

1.6 NPA Jeopardy Criteria Apply: ☐ Yes ☐ No

1.7 Code request for new service (Explain): Code request for new LRN for packet switch being installed.

1.8 It is the code applicant's responsibility to arrange input of Part 2 information into BIRRDS. The 45-calendar day nationwide minimum interval cut-over for BIRRDS will not begin until input into BIRRDS has been completed.

Comments:

-

I hereby certify that the above information requesting an NXX code is true and accurate to the best of my knowledge and that this application has been prepared in accordance with the Central Office Code (NXX) Assignment Guidelines posted to the ATIS web site (<http://www.atis.org/inc/incguides.asp>) as of the date of this application. ¹⁴

Paul T Nejedlo
Signature of Code Applicant

Sr. Administrator
Title

10/18/2018
Date

¹Identify type and reason for change(s) in Section 1.4(e).

²A list of the current Code Administrator(s) who can provide assistance in completing this form is available upon request from NANPA.

³The NXX field is required for any code request in which there is a change or the NXX is being returned.

⁴Operating Company Number (OCN) assignments must uniquely identify the applicant. Relative to CO Code assignments, NECA-assigned Company Codes may be used as OCNs. Companies with no prior CO Code or Company Code assignments may contact NECA (800-228-8597) to be assigned a Company Code(s). Since multiple OCNs and/or Company Codes may be associated with a given company, companies with prior assignment should direct questions regarding appropriate OCN usage to the iconectiv Telecom Routing Administration (TRA) on 732-699-6700.

⁵This is an 11-character descriptor of the switch provided by the owning entity for the purpose of routing calls. This is the 11-character iconectiv Common Language[®] Location Code(CLLI[™] Code) of the applicant's switch or POI. Common Language[®] and Telcordia[®] are registered trademarks and CLLI[™], LERG[™] Routing Guide and iconectiv[™] are trademarks and the Intellectual Property of Telcordia Technologies, Inc. dba iconectiv.

⁶Rate Center name must be a tariffed Rate Center associated with toll billing.

⁷Applies to any code applicant connecting to the Public Switched Telephone Network via a tandem owned by a different carrier.

⁸This is an eleven-character descriptor provided by the owning entity for the purpose of routing calls. This must be the CLLI[™] Location Identification Code of the switching entity/POI, and is the same on Part 2, Form 1, Page 2 of 2.

⁹Code applicants should request an effective date that is at least 66 calendar days from the submission of this form. It should be noted that interconnection arrangements and facilities need to be in place prior to activation of a code. Such arrangements are outside the scope of these guidelines.

¹⁰Requests for code assignment shall not be made more than six months prior to the requested effective date.

¹¹Select if you are the current Code Holder

¹²Select if you are not the current Code Holder

¹³The Applicant will indicate "YES" if the NXX being requested will be used for thousands-block number pooling and will leave this field blank if it is not.

¹⁴An incomplete form may result in delays in processing this request.

Exhibit B

Months to Exhaust Certification Worksheet

Revised January 4, 2016

Appendix B

CO CODE ASSIGNMENT
MONTHS TO EXHAUST CERTIFICATION WORKSHEET - TN Level¹
(Worksheet to be used for Request for Additional Codes for Growth)

Date: 10/18/2018 Company Name: WILLISTON TELEPHONE CO.

Rate Center: NORTH

NPA-NXXs included in growth calculation²: 803-247

Signature of Authorized Representative of Code Applicant: _____

Title: _____ Phone: _____ Fax: _____

A. Telephone Numbers (TNs) Available for Assignment (See Glossary³): 8761

	Month #1	Month #2	Month #3	Month #4	Month #5	Month #6	Month #7	Month #8	Month #9	Month #10	Month #11	Month #12
B. Previous 6-month growth history ⁴	<u>10</u>	<u>5</u>	<u>12</u>	<u>4</u>	<u>10</u>	<u>6</u>						
C. Forecast - Next months 1-12 ⁵	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>

D. Average Monthly Forecast (Sum of months 1-6 Part C above divided by 6): 10.0

E. Months to Exhaust⁶ =
$$\frac{\text{Telephone Numbers(TNs) Available for Assignment(A)}}{\text{Average Monthly Forecast(D)}} = \underline{876.1}$$

F. Utilization Level⁷ =
$$\frac{\text{Telephone Numbers (TNs) Assigned}}{\text{Total Numbering Resources in Applicant's Inventory}} \times 100 = \underline{12.39}$$

Explanation: _____

¹A copy of this worksheet is required to be submitted to the Code Administrator; for audit purposes, it must be in the applicant's files.

²Report on all resources for the requested geographic area, including newly acquired codes.

³Definitions of terms may be found in the Glossary section of the Central Office Code (NXX) Assignment Guidelines.

⁴Net change in TNs no longer available for assignment in each previous month, starting with the most distant month as Month #1, and Month #6 as the current month.

⁵Forecast of TNs needed in each following month, starting with the most recent month as Month #1.

⁶To be assigned an additional CO Code (NXX) for growth, "Months to Exhaust" must be less than or equal to 6 months. (47 CFR Â§ 52.15 (g) (4) (iii)).

⁷Newly acquired numbers (see glossary) may be excluded from the utilization calculation (47 CFR Â§ 52.15 (g) (4) (ii)).

Exhibit C

Denial of Code Request

Central Office Code Assignment Guidelines (COCAG)
Central Office Code (NXX) Assignment Request - Part 3 - ATIS-0300050.p3
Revised: February 9, 2004

Administrator's Response/Confirmation Tracking Number: 803-611317

Date of Application:	<u>10/18/2018</u>	Date of RECEIPT:	<u>10/18/2018</u>
Date of Response:	<u>10/22/2018</u>	Effective Date:	<u></u>
Company/Entity Name:	<u>WILLISTON TELEPHONE CO.</u>	Service Provider OCN:	<u>0551</u>
	<u>MID-PLAINS TELEPHONE, INC.</u>	Parent Company OCN:	<u>0881</u>
Contact Name:	<u>Paul T Nejedlo</u>	Phone:	<u>608-664-4659</u>
		Email:	<u>paul.nejedlo@tdstelecom.com</u>
		Fax:	<u>608-830-5601</u>

Code Administrator Contact Information:

Patricia Soderland	Phone:	571-434-5348
Signature of Code Administrator		
Patricia Soderland	Fax:	571-434-5502
Name (print)	Email:	patricia.soderland@neustar.biz

_____ NPA: 803 Code Assigned: ____ Date of NXX Code Assignment: ____
Switch Identification(Switch Entity/POI): NRTHSCXAPS0 Rate Center: NORTH

_____ **Code Reserved:** _____ **Date of Reservation:** _____

Your code Reservation will be honored until: _____

Switch Identification (Switch Entity/POI): _____

Form incomplete

Additional information required in the following section(s)

X **Form Complete, code request denied.**
Explanation:

Assignment activity suspended by the administrator.

Explanation: _____

Further Action: _____

NPA in jeopardy: Yes: _ No: _

If yes, refer to the Section 9 of the assignment guidelines

Remarks:

Per COCAG Sections 4.1,5.0,7.1, and COCAG App C Sections 4.7 and 5.7, this NPA-NXX request is denied due to the invalid switching entity/POI. The switching entity/POI is: NRTHSCXAPS0 - Not built in iconectiv

Business Integrated Routing and Rating Database System (BIRRDS) BIRRDS If you are in disagreement with the disposition of this request, please refer to the COCAG for the appeals process. The INC Guidelines can be found at <http://www.atis.org/inc/incguides.asp>

A copy of this Part 3 has been sent to the following users/email addresses.
